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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,185	03/29/2001	Ravi L. Sahita	10559/457001/P10868	9173
20985	7590	11/21/2005	EXAMINER	
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			WANG, LIANG-CHE	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/823,185	Applicant(s) SAHITA ET AL.	
	Examiner Liang-che Alex Wang	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 19-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 35-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-18, 35-40 are presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 1/11/2005, have been fully considered but they are not persuasive.
3. In that remarks, applicant's argues in substance:
  - a. That: "However, what one finds in the lookup table 70 is not "metadata" because it fails to actually describe anything in database 76. Table 70 contains no more than a correspondence between MIB object identifiers and data record element ... it is as if one had a table that listed words in English and corresponding words in Latin..." Page 10 remarks.

This is found not persuasive because Table 70 contains correspondence between MIB object identifiers and data record elements (Col 5 lines 21-27). The translation of data is a description of the original data. Using the example given by the applicant, "aqua" is actually giving descriptions to people with Latin backgrounds to fully understand what "water" means. Therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 5-6, 8-9, 11-13, 15-16, 18 and 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Champlin et al., US Patent Number 6,519,635, hereinafter Champlin.
6. Referring to claim 1, Champlin has taught a managed node comprising:
- a. a first database (item 70 is viewed as a first database, Figure 4) having metadata descriptive of data stored in a second database (MIB 72 is viewed as a second database)(Col 5 lines 21-23, various translation are stored in table 70 to map MIB object from MIB 72, Col 5 lines 15-18. Translation of data is a description of the original data, therefore data stored in the table 70 is viewed as metadata descriptive of data stored in MIB 72);

- b. a first process in communication with said second database (Figure 4, SNMP agent 64 must be in communication with MIB 72 in order to make MIB 72 to be functional (Col 5 lines 11-57);
  - c. a second process in communication with said first process through a first protocol (Col 5 lines 45-48), said second process receiving communication transmitted across a network using a second protocol and having access to said metadata in said first database for translation between said first and second protocols (Col 5 lines 11-59, translation of protocols are provided between SNMP Manager 62 and SNMP Master Agent 64 and Sub Agent 66 to communicate over network 60.)
- 7. Referring to claim 2, Champlin has further taught wherein said first process comprises an SNMP agent (Figure 4 item 64 is a SNMP agent.)
- 8. Referring to claim 3, Champlin has further taught wherein said second process comprises a network shim layer providing an interface between said first process and said network (item 70 serves the function of translating the protocol format into the second format of appropriate SNMP agent 66, which serves the same function as the network shim layer is providing. Col 5 lines 41-51.)
- 9. Referring to claim 5, Champlin has further taught wherein said second database comprises a MIB (item 72, figure 4).
- 10. Referring to claim 6, Champlin has further taught wherein said first protocol comprises an application program interface for said SNMP agent (Col 2 lines 24-26).
- 11. Referring to claim 8, Champlin has further taught wherein said metadata is obtained from a remote source (Col 5 lines 28-30.)

12. Referring to claim 9, claim 9 encompasses the similar scope of the invention as that of the claim 1, and Champlin further teaches a managed network (see figure 4), comprising: a management station (item 62), and a managed node (item 64) in communication with said management station using a selected protocol (Figure 4 shows SNMP Manager is communicating with SNMP Master Agent.) Therefore, claim 9 is rejected for the same reason as claimed 1 and the further teaching limitation from Champlin.
13. Referring to claims 11-13, 15-16, 18, 35-40 claims 11-13, 15-16, 18 and 35-40 encompass the same scope of the invention as that of the claims 2-3, 5-6, 8. Therefore, claims 11-13, 15-16, 18 and 35-40 are rejected for the same reason as the claims 2-3, 5-6, 8.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
15. Claims 4, 7, 10, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin in views of Pan et al., US Patent Number 6,775,701, hereinafter Pan.
16. Referring to claim 4, Champlin has taught an invention as described in claims 1 and 3. Champlin has not explicitly taught the protocol comprises COPS-PR.
- However, Pan has taught the use the COPS-PR protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS-PR of Pan in Champlin such that to have the COPS-PR protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS-PR could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS-PR is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

17. Referring to claim 7, Champlin has taught the invention as described in claim 5.

Champlin has not explicitly taught the protocol comprises a COPS protocol.

However, Pan has taught the use the COPS protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS of Pan in Champlin such that to have the COPS protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

18. Referring to claims 10, 14, 17, claims 10, 14, and 17 encompass the same scope of the invention as that of the claims 4 and 7. Therefore, claims 10, 14, and 17 are rejected for the same reason as the claims 4 and 7.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703)




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305-3391. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
November 14, 2005

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER